

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, et al.,

Defendants.

Case No. 3:20-cv-03426-JD

**[PROPOSED] ORDER GRANTING  
DEFENDANTS OMAR QAZI AND  
SMICK ENTERPRISES, INC.'S  
SPECIAL MOTION TO STRIKE  
CLAIMS UNDER CALIFORNIA'S ANTI-  
SLAPP STATUTE, CIV. PROC. CODE  
§425.16, AND MOTION TO DISMISS  
THIRD AMENDED COMPLAINT  
UNDER FED. R. CIV. P. 12(B)(6)**

Time: TBD  
Date: TBD  
Before: The Hon. James Donato  
Ctrm.: 11, 19th Floor

1 Before the Court is Defendants Omar Qazi and Smick Enterprises, Inc. (“Smick  
2 Defendants”)’s Special Motion to Strike the Third Amended Complaint (“TAC”) under  
3 California’s anti-SLAPP statute, Code of Civil Procedure (“CCP”) §425.16, and Motion to  
4 Dismiss the TAC under Federal Rule of Civil Procedure (“Rule”) 12(b)(6) (collectively,  
5 “Motion”). Having reviewed and considered the Motion and supporting and opposing documents,  
6 as well as the other related papers and pleadings on file herein, and good cause appearing, the  
7 Court hereby finds and orders as follows:

8 IT IS ORDERED THAT the Smick Defendants' Motion is GRANTED.

9 IT IS FURTHER ORDERED THAT Plaintiff's First Cause of Action for Defamation Per  
10 Se and Third Cause of Action for Violation of the California Civil Anti-Stalking Statute are hereby  
11 stricken under CCP §425.16. The Smick Defendants have shown that the conduct at issue arises  
12 from protected activity, and Plaintiff has not shown a probability of prevailing on his claims as set  
13 forth in the TAC.

14 IT IS FURTHER ORDERED THAT Plaintiff's remaining claims against the Smick  
15 Defendants (Counts IV, V, VI, and VIII) are hereby dismissed with prejudice under Rule 12(b)(6).

16 IT IS FURTHER ORDERED THAT the Smick Defendants are entitled to their reasonable  
17 attorney's fees and costs incurred in connection with the Smick Defendants' Motion as relates to  
18 the Counts I, III, IV, V, and VI under CCP §425.16 and 17 U.S.C. §§505 and 1203. The Smick  
19 Defendants shall prepare a separate motion outlining their fees and costs within 45 days of the date  
20 of this Order.

## 21 || IT IS SO ORDERED.

23 DATED:

## United States District Judge